

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YIPIT LLC D/B/A YIPITDATA,

Plaintiff,

24-cv-7854 (JGK)

ORDER

- against -

ZACHARY EMMETT, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

On April 29, 2025, the plaintiff requested that the courtroom be closed for the oral argument and conferences scheduled for Wednesday, May 7, 2025, at 11:00 a.m. (the "May 7 Hearing"). ECF No. 221. No party has opposed the plaintiff's request.

The First Amendment "secure[s] to the public and to the press a right of access to civil proceedings." Westmoreland v. Columbia Broad. Sys., Inc., 752 F.2d 16, 23 (2d Cir. 1984). To overcome this "presumption of access," the party seeking closure must show that the denial of access is necessitated by a compelling interest, and that closure is narrowly tailored to serve that interest. Huminski v. Corsones, 396 F.3d 53, 85 (2d Cir. 2005). To establish a compelling interest supporting closure, "the movant must demonstrate a substantial probability of prejudice to a compelling interest of the defendant,

government, or third party, which closure would prevent.” Id. at 86 (quotation omitted). “The quantum of prejudice that the movant must show increases the more extensive the closure sought would be.” Id. (citation omitted).

In this case, total closure is unwarranted. Because the parties have provided the Court with detailed statements of their positions, it is not necessary to refer extensively to specific facts at the May 7 Hearing. See Barr Labs. Inc. v. KOS Pharms., Inc., 362 F. Supp. 2d 421, 424 (S.D.N.Y. 2005). To the extent any secret or confidential fact is necessary to be explained at the May 7 Hearing, the party could provide that explanation at the sidebar. Accordingly, the plaintiff’s request to close the courtroom for the May 7 Hearing is **denied**.

The Clerk is directed to close ECF No. 221.

SO ORDERED.

**Dated: New York, New York
May 2, 2025**

/s/ John G. Koeltl
John G. Koeltl
United States District Judge